

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ERIC WORKMAN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:10-cv-0293-SEB-TAB
)	
GREENWOOD COMMUNITY SCHOOL)	
CORPORATION; PRINCIPAL,)	
GREENWOOD HIGH SCHOOL, in his)	
official capacity,)	
)	
Defendants.)	

DEFENDANT’S ANSWER AND AFFIRMATIVE/ADDITIONAL DEFENSES

Defendants, Greenwood Community School Corporation and the Principal of Greenwood High School, in his official capacity, by counsel, file their Answer and Affirmative/Additional Defenses to the Plaintiff’s Verified Complaint for Declaratory and Injunctive Relief and Nominal Damages (the “Complaint”) as follows:

INTRODUCTORY STATEMENT

1. Defendants deny that Greenwood High School “requires” the senior class to vote to determine if a student-led prayer will be offered during graduation. Defendants admit that seniors have an opportunity to vote on whether the senior class will offer a student-led prayer during graduation, but no senior is required to vote and, therefore, deny the first sentence in paragraph 1 of the Complaint. Defendants deny that students this year voted to have a “public prayer.” Defendants admit that this year, as in prior years, a majority of the senior class voted to have a student-led prayer at graduation. Defendants also admit that there were some student votes opposing student-led prayer at graduation. Defendants admit that Plaintiff is a current senior at Greenwood High School. Defendants admit that Plaintiff purports in his Complaint to

be opposing student-led prayer at graduation and the student-election leading to it, but Defendants deny that they have violated Plaintiff's rights under the First Amendment of the United States Constitution or any other law. Defendants deny the remaining allegations contained in paragraph 1 of the Complaint.

JURISDICTION, VENUE, CAUSE OF ACTION

2. Defendants deny the Court has subject matter jurisdiction in this cause because the Plaintiff lacks standing.

3. Defendants admit that venue is proper in this Court.

4. Defendants admit that Plaintiff is seeking declaratory relief in this action, but Defendants deny that declaratory relief or any other form of relief is appropriate in this cause.

5. Defendants admit that Plaintiff purports to bring this cause under 42 U.S.C. § 1983, but Defendants deny that Plaintiff is entitled to relief under this statutory provision or any other law.

PARTIES

6. Defendants admit the allegations contained in paragraph 6 of the Complaint.

7. Defendants admit the allegations contained in paragraph 7 of the Complaint.

8. Defendants admit that Greenwood High School is part of the Greenwood Community School Corporation. Defendants also admit that the Principal of the Greenwood High School is appointed to this position by the Board of School Trustees for the Greenwood Community School Corporation. Defendants admit that Plaintiff purports to sue the Principal of Greenwood High School in his official capacity in this action and that he purports to do so pursuant to Rule 17(d) of the Federal Rules of Civil Procedure, but Defendants deny that the

Principal of Greenwood High School has violated the First Amendment of the United States Constitution or any other law as alleged in the Complaint.

FACTS

9. Defendants admit the allegations contained in paragraph 9 of the Complaint.
10. Defendants admit the allegations contained in paragraph 10 of the Complaint.
11. Defendants admit the allegations contained in paragraph 11 of the Complaint.
12. Defendants admit that they have in the past and did this school year permit the senior class to vote to determine whether the students wanted to have a student-led prayer at their graduation ceremony. Defendants deny that any senior student is required to participate in the voting process. Defendants admit that they have in the past permitted student-led prayer at graduation if a majority of the seniors decide they want student-led prayer at graduation. Defendants admit that a majority of seniors voted this school year to include student-led prayer at graduation, but Defendants deny that any student-led prayer has occurred this school year because graduation has not yet occurred, and further deny that the vote taken violates any law.
13. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 13 of the Complaint and, therefore, deny those allegations.
14. Defendants are without sufficient information to admit or deny the allegations contained in paragraph 14 of the Complaint and, therefore, deny them.
15. Defendants admit that in September of 2009, students were permitted to attend an assembly in the High School's auditorium, but Defendants deny that students were required to attend such event as alleged in paragraph 15 of the Complaint.
16. Defendants admit the allegations contained in paragraph 16 of the Complaint.
17. Defendants admit the allegations contained in paragraph 17 of the Complaint.

18. Defendants admit the allegations contained in paragraph 18 of the Complaint.

19. Defendants admit that students had an opportunity on the ballot to respond either “yes” or “no” to whether they wanted student-led prayer at graduation, but the Defendants deny that any student was required to respond to the question as Plaintiff implies in paragraph 19 of the Complaint.

20. Defendants admit the allegations contained in paragraph 20 of the Complaint.

21. Defendants admit that a majority of seniors voted to have student-led prayer at graduation this year. Defendants are without sufficient information to admit or deny the remaining allegations contained in paragraph 21 of the Complaint and, therefore, deny them.

22. Defendants admit that graduation is scheduled for May 28, 2010 and that because of Plaintiff’s present class rank, he will likely have an opportunity to speak at graduation. Defendants are without sufficient information to admit or deny the remaining allegations contained in paragraph 22 of the Complaint and, therefore, deny them.

23. Defendants admit that Plaintiff purports on the face of his complaint to be objecting to student-led prayer at graduation, but Defendants are without sufficient information to admit or deny Plaintiff’s personal reasons for objecting to student-led prayer at graduation, and therefore deny them. Defendants deny that they are compelling people who attend graduation to participate in or be involved in a “religious exercise” as alleged in paragraph 23 of the Complaint, and specifically deny the second sentence of paragraph 23 of the Complaint.

24. Defendants admit the Plaintiff purports on the face of his Complaint (in the first sentence of paragraph 24 of the Complaint) to object to the School permitting a majority of students to determine whether student-led prayer will occur at graduation. Defendants deny the remaining allegations contained in paragraph 24 of the Complaint.

25. Defendants deny the allegations contained in paragraph 25 of the Complaint.

26. Defendants admit that the Greenwood Community School Corporation is a political subdivision of the State of Indiana, but Defendants deny that they have acted illegally under color of state law, and otherwise deny the allegations in paragraph 26 of the Complaint.

27. Defendants deny the allegations contained in paragraph 27 of the Complaint.

CLAIM FOR RELIEF

28. Defendants deny the allegations contained in paragraph 28 of the Complaint.

WHEREFORE, Defendants, by counsel, having fully answered the Complaint, pray that Plaintiff's Complaint be dismissed with prejudice; that judgment be entered in favor of Defendants and against Plaintiff; that Plaintiff take nothing by way of his Complaint; that costs, including attorney's fees and expenses, be taxed against the Plaintiff; and that Defendants be granted any and all further, legal, and equitable relief available to them.

AFFIRMATIVE AND ADDITIONAL DEFENSES

For their affirmative and additional defenses to the Plaintiff's Complaint, Defendants state:

1. Plaintiff fails to state a claim upon which relief may be granted.
2. Plaintiff lacks standing to bring this Complaint.
3. Plaintiff's claims are barred, in whole or in part, because they are premature and are not ripe for adjudication.
4. With respect to Plaintiff's claims about past graduation ceremonies, Plaintiff's claims are moot and are, therefore, barred in whole or in part.
5. Defendants acted reasonably and in good faith with respect to Plaintiff at all times pertinent hereto.

6. Enjoining all religious content in any student remarks at graduation would violate the Free Exercise and Free Speech Clauses of the First Amendment to the United States Constitution.

7. Defendants reserve the right to assert additional defenses as may be uncovered throughout the course of this litigation, including but not limited to the after-acquired evidence doctrine.

/s/Judy L. Woods

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Attorneys for Defendants, Greenwood Community
School Corporation and the Principal of Greenwood
High School

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2010, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Kenneth J. Falk
E-mail: kfalk@aclu-in.org

/s/Judy L. Woods

Judy L. Woods